

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:)	CASE NO: 19 - 14483 - jps
)	
Robin Valerie Cowan)	CHAPTER 13
)	JUDGE JESSICA E. PRICE SMITH
Debtor.)	

MOTION TO AMEND CHAPTER 13 PLAN PRIOR TO CONFIRMATION

Debtor hereby moves this Honorable Court for its order approving her Amended Chapter 13 Plan attached hereto as Exhibit "A".

In support of this motion Debtor states the modification reflects changes to paragraphs 2.1, 2.4, 2.5, 4.2, 5.1 and 8.1 the specifics of which are more fully set forth in the caption of the Amended Chapter 13 Plan, which changes address issues raised in the trustee's objection to confirmation.

Respectfully submitted,

/s/ Mark H. Knevel

KNEVEL LAW CO. LPA
Mark H. Knevel, (0029285)
Attorneys for Debtor
5250 Transportation Blvd Suite 201
Garfield Heights, OH 44125
(216) 523 - 7800 FAX 523-7801
Email: mknevel@knevellaw.com

Fill in this information to identify your case:

Debtor 1 **Robin Valerie Cowan**
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: **NORTHERN DISTRICT OF OHIO**

Case number: **19-14483**

(If known)

☒ Check if this is an amended plan, and list below the sections of the plan that have been changed.

1. Paragraph 2.1 To increase bi-weekly trustee payment to \$72.31 (\$156.66 / month)

2. Paragraph 2.4 To provide for an increase in plan payments upon completion of mortgage payments.

3. Paragraph 2.5 increasing estimated total plan payments.

4. Paragraph 4.2 increasing estimated payment on trustee fees.

5. Paragraph 5.1 increasing estimate payment and estimated percentage of payment on unsecured claims.

6. Paragraph 8.1(d) providing for increased payments upon completion of payments on mortgage.

Official Form 113

AMENDED Chapter 13 Plan (12/10/19)

12/17

Part I: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance. Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

Part 2: Plan Payments and Length of Plan**2.1 Debtor(s) will make regular payments to the trustee as follows:**

\$72.31 per **Bi-Weekly** for **36** months

Insert additional lines if needed.

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner.

Check all that apply:

- ☒ Debtor(s) will make payments pursuant to a payroll deduction order.
☐ Debtor(s) will make payments directly to the trustee.
☐ Other (specify method of payment):

2.3 Income tax refunds.

Check one.

- ☐ Debtor(s) will retain any income tax refunds received during the plan term.
☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
☒ Debtor(s) will treat income refunds as follows:
Pursuant to terms of Confirmation Order

2.4 Additional payments.

Check one.

- ☐ **None.** *If "None" is checked, the rest of § 2.4 need not be completed or reproduced.*

1. Debtor's plan payments will increase, on August 1, 2021, by \$256.49 per month, to reflect that debtor has paid off the balance on the mortgage on her real estate. The increase is equal to the principal and interest payments. The increase will be paid for the remainder of debtor's 36 month commitment period. See also paragraph 8.1(d).

2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$9,718.06.**Part 3: Treatment of Secured Claims****3.1 Maintenance of payments and cure of default, if any.**

Check one.

- ☒ **None.** *If "None" is checked, the rest of § 3.1 need not be completed or reproduced.*

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one.

- ☒ **None.** *If "None" is checked, the rest of § 3.2 need not be completed or reproduced.*

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

- ☒ **None.** *If "None" is checked, the rest of § 3.3 need not be completed or reproduced.*

3.4 Lien avoidance.

Check one.

- ☒ **None.** *If "None" is checked, the rest of § 3.4 need not be completed or reproduced.*

3.5 Surrender of collateral.

Check one.

☒ None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

Part 4: Treatment of Fees and Priority Claims**4.1 General**

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may change during the course of the case but are estimated to be 10.00% of plan payments; and during the plan term, they are estimated to total \$971.00.

4.3 Attorney's fees.

The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$2,200.00.

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

☐ None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ The debtor(s) estimate the total amount of other priority claims to be \$0.00

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

☒ None. If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

Part 5: Treatment of Nonpriority Unsecured Claims**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

☒ The sum of \$ 6,547.06 .

☒ 13.00 % of the total amount of these claims, an estimated payment of \$ 6,547.06 .

☐ The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$_____. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.

☒ None. If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Other separately classified nonpriority unsecured claims. Check one.

☒ None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.

☐ None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

<u>CREDITOR</u>	<u>LEASED PROPERTY</u>	<u>INSTALLMENT PAYMENT</u>	<u>ARREARAGE</u>	<u>TREATMENT OF ARREARAGE</u>	<u>ESTIMATED TOTAL PAYMENTS BY TRUSTEE</u>
American Honda Finance	2019 Honda Civic	\$500/month	No Arrearage	NA	\$0 *See special provision 8.1(b)
American Honda Finance	2017 Honda Civic	\$291/month	No Arrearage	NA	\$0 *See special provision 8.1(c)

Part 7: Vesting of Property of the Estate

7.1 Property of the estate will vest in the debtor(s) upon

Check the applicable box:

- ☒ plan confirmation.
☐ entry of discharge.
☐ other: _____

Part 8: Nonstandard Plan Provisions

8.1 Check "None" or List Nonstandard Plan Provisions

☐ None. If "None" is checked, the rest of Part 8 need not be completed or reproduced.

- A. The debtor is not obligated on the mortgage owed to Wells Fargo Home Mortgage, secured by debtor's residence.. Payments on the mortgage are current and will be paid outside of plan. The trustee will make no distribution no any claim filed by Wells Fargo Home Mortgage.
- B. Debtor is current on her lease payments to American Honda Financial in the amount of \$500.00 per month with 30 months remaining on the term of the lease. Debtor will make payments directly to American Honda Financial, outside of the plan. The trustee will make no distribution on any claim filed by American Honda Financial, related to this lease.
- C. Debtor is a co-signer on her daughter's lease with American Honda Financial, for a 2017 Honda Civic, with payments of \$291.00 per month with 12 months remaining on the term of the lease. Debtor's daughter is current on the payments, which will continue to be paid by debtor's daughter, outside of the plan. The trustee will make no distribution on any claim filed by American Honda Financial, related to this lease.
- D. Debtor's expenses will decrease on August 1, 2021 by \$256.49 representing the principal and interest payments on the mortgage on her residence. Debtor will commit the entire \$256.49 to the plan as provided for in paragraph 2.4. Debtor's commitment period will remain at 36 months. The total amount to be paid to unsecured creditors will be \$6,547.06 which is estimated to result in a distribution to unsecured creditors of 13% Debtor will continue to pay the insurance and real estate taxes which were previously included in the mortgage payment.

Debtor Robin Valerie Cowan

Case number 19-14483

Part 9: Signature(s):

9.1 Signatures of Debtor(s) and Debtor(s)' Attorney

If the Debtor(s) do not have an attorney, the Debtor(s) must sign below, otherwise the Debtor(s) signatures are optional. The attorney for Debtor(s), if any, must sign below.

X /s/ Mark H. Knevel

Date December 10th, 2019

Mark H. Knevel 0029285

Signature of Attorney for Debtor(s)

By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Official Form 113, other than any nonstandard provisions included in Part 8.

Exhibit: Total Amount of Estimated Trustee Payments

The following are the estimated payments that the plan requires the trustee to disburse. If there is any difference between the amounts set out below and the actual plan terms, the plan terms control.

a. Maintenance and cure payments on secured claims (Part 3, Section 3.1 total)	<u>\$0.00</u>
b. Modified secured claims (Part 3, Section 3.2 total)	<u>\$0.00</u>
c. Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total)	<u>\$0.00</u>
d. Judicial liens or security interests partially avoided (Part 3, Section 3.4 total)	<u>\$0.00</u>
e. Fees and priority claims (Part 4 total)	<u>\$3,171.00</u>
f. Nonpriority unsecured claims (Part 5, Section 5.1, highest stated amount)	<u>\$6,547.06</u>
g. Maintenance and cure payments on unsecured claims (Part 5, Section 5.2 total)	<u>\$0.00</u>
h. Separately classified unsecured claims (Part 5, Section 5.3 total)	<u>\$0.00</u>
i. Trustee payments on executory contracts and unexpired leases (Part 6, Section 6.1 total)	<u>\$0.00</u>
j. Nonstandard payments (Part 8, total)	<u>\$0.00</u>
	+
Total of lines a through j	<div style="border: 1px solid black; padding: 2px;">\$9,718.06</div>

CERTIFICATE OF SERVICE

Debtor, by and through counsel, hereby certifies a copy of the foregoing Motion to Amend Chapter 13 Plan Prior to Confirmation, was served upon the following, by CM / ECF Noticing System or ordinary US Mail, as indicated, on this the 10th day of December, 2019:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

United States Trustee for Region 9

Cleveland Office of the United States Trustee, on behalf of Daniel M. McDermitt,
United States Trustee for Region 9.

Chapter 13 Trustee

Lauren Helbling at ch13helbling@ch13cleve.com

By Ordinary US Mail

Debtor

Robin Valerie Cowan
14209 Rexwood Avenue
Cleveland, OH 44105

Creditors

All Schedules Creditors
(See attached Clerk of Courts Mailing Matrix)

/s/ Mark H. Knevel

KNEVEL LAW CO. LPA
Mark H. Knevel, (0029285)
Attorneys for Debtor

Label Matrix for local noticing
0647-1
Case 19-14483-jps
Northern District of Ohio
Cleveland
Tue Dec 10 13:13:23 EST 2019

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

AT&T
c/o Diversified Consultants
10550 Deerwood Park Blvd
Jacksonville, FL 32256-0596

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Capital One Auto Finance
Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130-0285

Capital One Bank (USA), N.A.
by American InfoSource as agent
PO Box 71083
Charlotte, NC 28272-1083

Citibank/The Home Depot
Po Box 6497
Sioux Falls, SD 57117-6497

Comenity Capital/Davids Bridal
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218-2125

Honda Financial
1731 Central St
Evanston, IL 60201-1507

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Capital One Auto Finance, a division of Capi
c/o AIS Portfolio Services, LP
4515 N Santa Fe Avenue Dept. APS
Oklahoma City, OK 73118-7901

Howard M. Metzenbaum U.S. Courthouse
United States Bankruptcy Court
Howard M. Metzenbaum U.S. Courthouse
201 Superior Avenue
Cleveland, OH 44114-1235

Ally Financial
Attn: Bankruptcy Dept
Po Box 380901
Bloomington, MN 55438-0901

Capital One
Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130-0285

Capital One Auto Finance
c/o Alltran Financial
PO Box 4043
Concord, CA 94524-4043

Charter Communications
530 S Main Street
Akron, OH 44311-1070

Citibank/The Home Depot
c/o GC Services Limited Partnership
PO Box 857
Oaks, PA 19456-0857

Credit One Bank / Midland Funding
c/o Atlantic Credit & Finance
PO Box 13386
Roanoke, VA 24033-3386

Honor Finance
1731 Central St
Evanston, IL 60201-1507

Internal Revenue Service
c/o United States Attorney
Carl B Stokes US Court House
801 West Superior Ave. Suite 400
Cleveland, OH 44113-1852

Ohio Department of Taxation
c/o Christopher J. Klym
24441 Detroit Road Suite 250
Westlake, OH 44145-1543

AT&T
P.O. Box 6416
Carol Stream, IL 60197-6416

(p)AMERICAN HONDA FINANCE
P O BOX 168088
IRVING TX 75016-8088

Capital One
c/o Radius Global Solutions
9550 Regency Square
Suite 602
Jacksonville, FL 32225-8116

Capital One Auto Finance, a division of Capi
P.O. Box 4360
Houston, TX 77210-4360

Charter Communications
c/o Southwest Credit System
4120 International Pkwy Suite 1100
Carrollton, TX 75007-1958

Comenity Bank/Kay Jewelers
Attn: Bankruptcy Dept
Po Box 182125
Columbus, OH 43218-2125

Genesis Bankcard Services
Attn: Bankruptcy Department
Po Box 4477
Beaverton, OR 97076-4401

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Midland Funding LLC
PO Box 2011
Warren MI 48090-2011

Midland Funding LLC
PO Box 2037
Warren, MI 48090-2037

Novacare
680 American Avenue
King of Prussia, PA 19406-1241

Novacare
c/o Nationwide Recovery Services
P.O. Box 8005
Cleveland, TN 37320-8005

Ohio Department of Taxation
Attn: Bankruptcy Division
PO Box 530
Columbus, OH 43216-0530

Ohio Department of Taxation
P.O. Box 530
Columbus, OH 43216-0530

Ohio Department of Taxation
c/o Attorney General of Ohio
Collection Enforcement / Bankruptcy
150 E. Gay Street, 21st Floor
Columbus, OH 43215-3191

Ohio Department of Taxation
c/o George Calloway, Esq
5080 Tuttle Crossing Blvd #340
Dublin, OH 43016-3500

Ohio Department of Taxation
c/o Michael E. Scolieri, Esq
5080 Tuttle Crossing Blvd #340
Dublin, OH 43016-3500

(p)OHIO DEPARTMENT OF JOBS AND FAMILY SERVICE
ATTN DONN D ROSENBLUM
P O BOX 182404
COLUMBUS OHIO 43218-2404

Ohio Dept of Job & Family Services
c/o Attorney General of Ohio
Collection Enforcement / Bankruptcy
150 E. Gay Street, 21st Floor
Columbus, OH 43215-3191

Ohio Dept of Job & Family Services*
c/o CSEA
1641 Payne Avenue
Cleveland, OH 44114-2919

Ohio Dept. of Job & Family Services
Attn: OUIO - Tax Appeals
P.O. Box 182830
Columbus, OH 43218-2830

Oliphant Finacial LLC
c/o Alpha Recovery Corp
6912 S. Quentin St Unit 10
Centennial, CO 80112-4531

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Quantum3 Group LLC as agent for
Comenity Bank
PO Box 788
Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for
Comenity Capital Bank
PO Box 788
Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for
GPCC I LLC
PO Box 788
Kirkland, WA 98083-0788

Synchrony Bank/ Old Navy
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896-5060

Synchrony Bank/ Walmart
PO Box 530927
Atlanta, GA 30353-0927

Synchrony Bank/ Walmart
c/o EGS Financial Care
PO Box 1020 Dept 806
Horsham, PA 19044-8020

Synchrony Bank/ Walmart
c/oMidland Credit Funding
2365 Northside Drive Suite 300
San Diego, CA 92108-2709

Universal Hosp. Case Medical Ctr
P.O. Box 94564
Cleveland, OH 44194-4564

Universal Hosp. Case Medical Ctr
c/o First Federal Credit Control
24700 Chagrin Blvd Suite 205
Beachwood, OH 44122-5662

Verizon Wireless
Attn: Verizon Wireless Bankruptcy Admini
500 Technology Dr, Ste 550
Weldon Spring, MO 63304-2225

Verizon Wireless
c/o Vantage Sourcing
PO Box 6786
Dothan, AL 36302-6786

(p)WELLS FARGO BANK NA
WELLS FARGO HOME MORTGAGE AMERICAS SERVICING
ATTN BANKRUPTCY DEPT MAC X7801-014
3476 STATEVIEW BLVD
FORT MILL SC 29715-7203

Lauren A. Helbling
200 Public Square Suite 3860
Cleveland, OH 44114-2322

Mark H. Knevel
Knevel Law Co LPA
Kennard Professional Bldg
5250 Transportation Blvd #201
Garfield Heights, OH 44125-5361

Robin Valerie Cowan
14209 Rexwood Avenue
Cleveland, OH 44105-6429

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

American Honda Finance
2170 Point Blvd Ste 100
Elgin, IL 60123-0000

(d)American Honda Finance
Attn: Bankruptcy
Po Box 168088
Irving, TX 75016-0000

(d)American Honda Finance Corporation
National Bankruptcy Center
P.O. Box 168088
Irving, TX 75016-8088

Capital One
15000 Capital One Dr
Richmond, VA 23238-0000

Internal Revenue Service
Insolvency Group 6
1240 East Ninth Street, Room 493
Cleveland, OH 44199-0000

(d)Internal Revenue Service
c/o United States Attorney General
US Dept of Justice Tax Division
PO Box 55, Ben Franklin Station
Washington, DC 20044-0000

Ohio Dept of Job & Family Services
Attn: Collections Dept / Bankruptcy
PO Box 182404
Columbus, OH 43218-2404

Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

Wells Fargo Home Mortgage
8480 Stagecoach Cir
Frederick, MD 21701-0000

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Ohio Job and Family Services

(d)PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

End of Label Matrix	
Mailable recipients	58
Bypassed recipients	2
Total	60